

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

MAY 15 2003

Michael N. Milby, Clerk of Court

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

**HAZEL CONNER AND
SYTHERIA TUCKER,**

Plaintiffs,

V.

HOECHST CELANESE CHEMICAL, INC., individually and as successor in interest to HOECHST CELANESE CHEMICAL GROUP, INC. and as successor in interest to CELANESE CHEMICAL CO., INC.,

Defendant.

١٠٠

CIVIL ACTION NO. V-03-54
(Jury Trial Demanded)

ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COME, HAZEL CONNER (hereinafter "Conner"), and SYTHERIA TUCKER (hereinafter "Tucker"), collectively the Plaintiffs and files this their Original Complaint complaining of Defendant, HOECHST CELANESE CHEMICAL, INC., individually and as successor in interest to HOECHST CELANESE CHEMICAL GROUP, INC. and as successor in interest to CELANESE CHEMICAL CO., INC. (hereinafter collectively referred to as "Celanese" or "Defendant"), and for causes of action would show this court and jury as follows:

A. Parties

1. Plaintiff, Hazel Conner, is a citizen of the state of Texas who was at all material times employed by Defendant in the Southern District of Texas and who resides in the Southern District of Texas.

2. Plaintiff, Sytheria Tucker, is a citizen of the state of Texas who was at all material times employed by Defendant in the Southern District of Texas and who resides in the Southern District of Texas.

3. Defendant Hoechst Celanese Chemical, Inc. ("Celanese") is a corporation authorized to do business in the state of Texas and may be served with process by serving its registered agent C T Corporation System at 350 North St. Paul St., Dallas, TX 75201.

4. Defendant, Hoechst Celanese Chemical, Inc., is the successor in interest to Hoechst Celanese Chemical Group, Inc. and Celanese Chemical Co., Inc.

B. Jurisdiction & Venue

5. This case is brought under the authority of 29 U.S.C. §201 *et seq.*, commonly known as the Fair Labor Standards Act (hereinafter "FLSA").

6. Venue is proper in the Southern District of Texas under 28 U.S.C. § 1391(b). The unlawful practices occurred in the Southern District of Texas; the records relevant to such practice are maintained and administered in the Southern District of Texas; and the acts and/or omissions claimed of occurred in the Southern District of Texas.

C. Applicable Law

7. Unless exempt, Defendant is obligated to pay overtime to Plaintiffs for hours worked in excess of 40 hours per week. See 29 U.S.C. § 207(a)(1). This compensation must be at a rate not less than one and one-half times their regular rate of pay. 29 U.S.C.S. § 207(a)(1).

D. Jury Demand

8. Plaintiffs herein request a jury on all matters so triable.

E. Factual Background

9. For over 3 years, Defendant willfully scheduled and worked Plaintiffs in excess of 40 hours per week on a regular and recurring basis without paying them for their overtime in violation of the FLSA. Defendant continues this practice as of the filing of this complaint.

10. During the past three years Plaintiffs each worked at least 200 hours of scheduled overtime for which Defendants failed to pay Plaintiffs' at time and a half.

11. Plaintiffs are scheduled to work a weekly rotating shift of 36 hours followed by a work week of 48 hours. Defendant does not and has not for at least five years paid time and a half for hours 41 through 48.

12. On multiple occasions during this time period, Defendant was confronted about its failure to pay overtime, yet Defendant failed to comply with the law and stated that Plaintiffs would have to "sue" to get their money.

13. Plaintiffs and a group of employees are subjected to this deliberate scheme to deny compensation.

F. PRAYER

14. Plaintiffs seek recovery of overtime pay for hours worked in excess of 40 hours per week which were not and are not being paid at time and a half. Plaintiffs also seek pre-judgment interest, attorney's fees and costs for both trial and appeal and liquidated damages.

WHEREFORE, Plaintiffs request that Defendant be cited to appear and answer

and that upon trial of this cause, that Plaintiffs be awarded the relief sought herein, and further relief to which they are entitled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B.D. Brown", written over a horizontal line.

BOBBY D. BROWN

S. D. Tex No. 22425

State Bar No. 24004564

121 S. Main, 3rd Floor

Victoria, Texas 77901

(361) 572-9944 - Telephone

(361) 572-9955 - Facsimile

Attorney in Charge for Plaintiff

Of Counsel:

BROWN & MARTINEZ, LLP